

108TH CONGRESS
1ST SESSION

H. R. 2864

To amend title 23, United States Code, to provide increased flexibility to donor States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2003

Mr. BURGESS introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to provide increased flexibility to donor States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reforming, Accel-
5 erating, and Protecting Interstate Design (RAPID) Act”.

6 **SEC. 2. INNOVATIVE SURFACE TRANSPORTATION FINANC-**
7 **ING AND CONTRACTING METHODS.**

8 (a) DEFINITIONS.—Section 101 of title 23, United
9 States Code, is amended—

1 (1) by redesignating paragraphs (28) through
2 (37) as paragraphs (30) through (39), respectively;

3 (2) by redesignating paragraphs (5) through
4 (27) as paragraphs (6) through (28), respectively;

5 (3) by inserting after paragraph (4) the fol-
6 lowing:

7 “(5) DONOR STATE.—The term ‘donor State’
8 means a State that receives in a fiscal year a per-
9 centage of total apportionments and allocations to
10 all States from the Highway Account of the High-
11 way Trust Fund that is less than the percentage at-
12 tributable to highway users in that State of the total
13 estimated tax payments into the Account by highway
14 users in all States in the most recent fiscal year for
15 which data is available.”.

16 (4) by inserting after paragraph (28) (as so re-
17 designated) the following:

18 “(29) RECIPIENT STATE.—The term ‘recipient
19 State’ means a State that receives in a fiscal year
20 a percentage of total apportionments and allocations
21 to all States from the Highway Account of the High-
22 way Trust fund that is equal to or greater than the
23 percentage attributable to highway users in that
24 State of the total estimated tax payments into the

1 Account by highway users in all States in the most
2 recent fiscal year for which data is available.”.

3 (b) DESIGN-BUILD CONTRACTING PROCEDURES.—
4 Section 112(b)(3) of title 23, United States Code, is
5 amended—

6 (1) in subparagraph (A)—

7 (A) by inserting after “subparagraph (C)”
8 the following: “, or a multimodal transportation
9 project described in subparagraph (E),”; and

10 (B) by inserting before the period at the
11 end the following: “, including the acceptance of
12 unsolicited proposals if permitted by applicable
13 State and local law”;

14 (2) in subparagraph (D) by inserting after
15 “contractor,” the following: “and that may authorize
16 the contractor to prepare any environmental impact
17 assessments and analyses required for a project,”;
18 and

19 (3) by adding at the end the following:

20 “(E) MULTIMODAL TRANSPORTATION
21 PROJECT.—A multimodal project referred to in
22 subparagraph (A) and subsection (g) is a
23 project under this chapter that—

24 “(i) is located within the boundaries
25 of a donor State;

1 “(ii) is within a network of inter-
2 connected corridors;

3 “(iii) is privately financed, in whole or
4 in part; and

5 “(iv) contains multiple transportation
6 modes, including highway and rail and util-
7 ity corridors.”.

8 (c) ENVIRONMENTAL PROCEDURES.—Section 112(g)
9 of title 23, United States Code, is amended—

10 (1) by inserting “and construction work” after
11 “design work”;

12 (2) by striking “(g) SELECTION PROCESS.—”
13 and inserting the following:

14 “(g) ENVIRONMENTAL PROCEDURES.—

15 “(1) SELECTION PROCESS.—”; and

16 (3) by adding at the end the following:

17 “(2) SPECIAL RULE FOR DONOR STATES.—A
18 donor State may authorize a consultant under a con-
19 tract for a multimodal transportation project de-
20 scribed in subsection (b)(3)(E) to prepare an envi-
21 ronmental impact assessment or analysis, including
22 an environmental impact statement, relating to a
23 segment of the project of less than independent util-
24 ity and without logical termini. The contract may
25 provide for the simultaneous—

1 “(A) design and construction of a segment
2 for which the environmental assessment or
3 analysis has been completed; and

4 “(B) the environmental assessment or
5 analysis of an adjoining segment of the
6 project.”.

7 (d) WAIVER OF NON-FEDERAL SHARE.—Section 120
8 of title 23, United States Code, is amended by adding at
9 the end the following:

10 “(m) INCREASED FEDERAL SHARE IN CERTAIN
11 STATES.—Notwithstanding any other provision of this
12 title, the Federal share payable on account of any project
13 or activity being carried out under this title within the
14 boundaries of a donor State may amount to 100 percent
15 of the cost of such project or activity.”.

16 (e) TOLLING OF INTERSTATE SYSTEM.—Section
17 129(a)(1) of title 23, United States Code, is amended in
18 each of subparagraphs (A) and (D) by inserting after
19 “System” the following: “within the boundaries of a re-
20 cipient State”.

21 (f) USE OF TOLL REVENUES.—Section 129(a)(3) of
22 title 23, United States Code, is amended by adding at the
23 end the following: “This paragraph does not apply to a
24 donor State.”.

1 (g) APPLICABILITY OF TOLL RESTRICTIONS.—Sec-
2 tion 129 of title 23, United States Code, is further amend-
3 ed by adding at the end the following:

4 “(d) REPAYMENT OF FEDERAL SHARE.—

5 “(1) IN GENERAL.—Notwithstanding any other
6 provision of this title, the total amount of funds paid
7 from the Highway Account of the Highway Trust
8 Fund to a State for construction of a highway,
9 bridge, or tunnel within the boundaries of that State
10 may be repaid to the Secretary.

11 “(2) DEPOSIT OF CREDIT.—The Secretary shall
12 deposit amounts repaid by a State under this sub-
13 section into the Highway Account and credit such
14 amount to the unobligated balance of Federal-aid
15 highway funds available to the State for the same
16 class of funds last apportioned or allocated to the
17 State for construction of the highway, bridge, or
18 tunnel. The amount so credited shall be in addition
19 to all other funds then apportioned or allocated to
20 the State during the fiscal year for which the credit
21 is received and shall be available for expenditure by
22 the State in accordance with the provisions of this
23 title.

24 “(3) DEREGULATION.—Upon the repayment
25 under this subsection of all Federal-aid highway

1 funds expended by a State for construction of a
2 highway, bridge, or tunnel, the highway, bridge, or
3 tunnel—

4 “(A) shall be removed by the Secretary
5 from all Federal-aid highway programs;

6 “(B) shall not be subject to any other pro-
7 vision of this title, including any regulation
8 issued to carry out this title; and

9 “(C) may be operated and maintained by
10 a public authority having jurisdiction over the
11 highway, bridge, or tunnel under applicable
12 State or local law.”.

13 (h) REGULATIONS.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of this Act, the Secretary of
16 Transportation shall issue regulations to carry out
17 the amendments made by this section.

18 (2) CONTENTS.—The regulations, at a min-
19 imum, shall—

20 (A) identify the criteria to be used by the
21 Secretary in approving a contract under which
22 the contractor is responsible for preparing any
23 environmental impact assessments and analyses
24 required for a project, as well as the design and
25 construction of the project;

1 (B) identify the criteria to be used by the
2 Secretary in approving a contract that other-
3 wise includes work preliminary to the final de-
4 sign of a project that will be carried out under
5 such section before compliance with section 102
6 of the National Environmental Policy Act of
7 1969 (42 U.S.C. 4332); and

8 (C) establish procedures to be followed by
9 a State transportation department or local
10 transportation agency in the use of design-build
11 contracting procedures allowed under applicable
12 State or local law.

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